

Zoning & Subdivision Report

Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65801

ZONING ORDINANCE AMENDMENT: COMMUNITY GARDENS & BUFFERYARD REQUIREMENTS

DATE: December 28, 2009

PURPOSE: To amend the Zoning Ordinance to Subsection 5-3000, Community Gardens, and Subsection 6-1200, Landscaping and Bufferyards, to exempt community gardens and parks from the bufferyard requirements and clarify the parking standards and operation of mechanical equipment.

STAFF COMMENTS:

1. The Urban Garden Text Amendment was approved by City Council on November 9, 2009. While preparing the community garden application and further review of the performance standards, staff has discovered that the bufferyard requirements between a residential and non-residential use in the residential zoning districts would create an issue with the intent of the ordinance. A community garden would be considered a non-residential use and as such by the Zoning Ordinance, Landscaping & Bufferyard requirements would require a bufferyard between the two differentiating uses. This was not the intent of the original ordinance. The Urban Garden Task Force and staff had wanted little or no bufferyard between the two uses. Staff has promptly proposed this amendment to address the bufferyard issue and some other minor clarifications to the community garden section of the ordinance before the growing season begins this Spring.
2. Staff has also proposed an amendment that would exempt park property from the bufferyard requirements of the ordinance. Recently, the City has experienced some situations where the park property was required to buffer between itself. This situation has occurred when one property has multiple zoning districts and uses within it. Since the Springfield-Greene County Parks Board has a multitude of properties, it is difficult to keep the zoning consistent amongst large parcels of property. Staff is proposing to exempt park property from the Zoning Ordinance to give the Park Board flexibility and save taxpayer dollars on an unnecessary expense.
3. Staff has also elected to remove the section that explicitly prevented mechanical equipment powered by gasoline from ½ hour before sunrise until ½ hour after sunset daily which was

added by staff during the original text amendment. Staff believes the noise ordinance of the City Code will regulate any issues with noise and that the language may create other interpretation issues in the future. It really only addressed one form of fuel anyway.

4. After review of the parking requirements for community gardens, staff has decided to clarify the standards to require no parking until over an acre of area is cultivated and then each additional acre shall require an additional two (2) parking spaces. The original language left the parking requirements up to interpretation.
5. The Building Development Services and Public Works have no issues or comments regarding the proposed text amendment.

RECOMMENDATION: Staff recommends **approval** of this request (see Attachment A).

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner

ATTACHMENT A
PROPOSED AMENDMENT

New text is underlined and deleted text is ~~overstruck~~

Section 5-3000. Community Gardens.

5-3001. **Purpose.** The purpose of these requirements is to enable community gardens while minimizing any possible adverse effects of such uses on the surrounding neighborhood.

5-3002. **Community Garden Performance Standards.** Community gardens as defined shall follow the regulations of this Article except as modified herein.

- A. The property owner shall file an application with Director of Building Development Services to establish the community garden use. A no or minimal cost permit is required to be issued. The property owner has the responsibility to follow all performance standards. Community Gardens shall adhere to all performance standards and shall not create any adverse impact on adjoining properties. The Director of Building Services is authorized to issue a cease and desist order to any party violating the performance standards listed heretofore along with any other enforcement measures available to the Director or the City.
- B. Structures utilized for community gardens shall be permitted subject to the accessory structure requirements of *Section 5-1000*. If no principal structure is located on the lot, the combined area of all structures shall not exceed forty percent (40%) of the lot area.
- C. No structures may be located in the required front and side yard setbacks as defined in each zoning district of this Article. The rear yard setback shall be a minimum of three (3) feet for structures.
- D. Retail and wholesale sales to the general public shall be prohibited on-site.
- E. The hours of operation shall be limited to ½ hour before sunrise until ½ hour after sunset daily. ~~The use of mechanical equipment powered by gasoline is only allowed from ½ hour before sunrise until ½ hour after sunset daily.~~
- F. Signage shall conform to *Section 5-1400* of this Article.
- G. The City's stormwater, sediment and erosion control standards shall apply.
- H. No use shall emit an odor that creates a nuisance in compliance with *Springfield City Code*.
- I. The community garden site shall be maintained free of high weeds and grass in compliance with *Springfield City Code*.

- J. Compost bins and other material storage areas shall be maintained in such a manner as to not attract insects, vermin, reptiles and other animals or create a nuisance.
- K. All uses shall operate in accordance with the lighting standards contained in *Section 6-1600* of this Article.
- L. All uses shall operate in accordance with the noise standards contained in *Section 6-1500* of this Article.
- M. Community gardens shall be subject to the Vision Obstruction Restrictions as defined in *Section 5-1306* of this Article.
- N. No parking is required unless If the cultivated area exceeds one (1) acre in size, then a minimum of two (2) off-street parking spaces shall be provided. An additional two (2) parking spaces shall be provided for each additional acre of cultivated area.
- O. No bufferyards shall be required.
- P. All other City Codes shall apply.

5-3003.

Review Procedure for Community Gardens. No approval for a community garden can be given by the Director of Building Development Services unless the following procedures are followed:

- A. **Application.** The Director of Building Services upon receipt of a complete application, and agreement by the applicant to follow and adhere to all Performance Standards contained herein shall permit a community garden.
- B. **Denial or Revocation.** The Director of Building Development Services may, in writing, suspend, deny or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of fact, fraud, or noncompliance with this Article.

When a community garden permit is denied by the Director of Building Development Services, written notice shall be given of the denial to the owner, together with a brief written statement of the reason for the denial. Such denials shall have referenced the section of this Article or other pertinent code used as a standard for the basis of denial.

- C. **Appeal.** If the Director of Building Development Services denies, suspends or revokes the application, the owner may file an appeal request with the City's Board of Adjustment.

Table of Bufferyard Requirements

Zoning District	of Proposed Development	Adjacent Zoning District																	IC
		R-SF	R-TH	R-MHC	R-LD	R-MD	R-HD	O-1	O-2	GI	LB	GR	HC	CS	CC	RI	LI	GM	
R-SF	(D)	(C)	(C)	(C)	(C)	(B)	(B)	*	*	*	*	*	*	*	*	*	*	*	*
R-TH	A,(D)	(C)	(C)	(C)	(C)	(B)	(B)	*	*	*	*	*	*	*	*	*	*	*	*
R-MHC ¹	B	(C)	(C)	(C)	(B)	(B)	(B)	*	*	*	*	*	*	*	*	*	*	*	*
R-LD	B	B	(C)	(C)	(B)	(B)	(B)	*	*	*	*	*	*	*	*	*	*	*	*
R-MD	C	B	B	B	(B)	(B)	(B)	*	*	*	*	*	*	*	*	*	*	*	*
R-HD	D	C	C	B	B	(B)	(B)	*	*	*	*	*	*	*	*	*	*	*	*
O-1	C	B	B	B	B	B	B	*	*	*	*	*	*	*	*	*	*	*	*
O-2	D	D	C	C	B	B	B	*	*	*	*	*	*	*	*	*	*	*	*
GI	D	D	C	C	B	B	B	*	*	*	*	*	*	*	*	*	*	*	*
LB	D	C	C	B	B	B	B	*	*	*	*	*	*	*	*	*	*	*	*
GR	F	E	E	C	C	C	C	B	B	B	B	*	*	*	*	*	*	*	*
HC	F	E	E	C	C	C	C	C	B	B	C	B ²	*	*	*	*	*	*	*
CS	G	F	F	D	D	D	D	D	C	C	D	B ²	B ²	*	*	*	*	*	*
CC	J	J	J	J	J	J	*	*	*	*	*	*	*	*	*	*	*	*	*
RI	F	E	E	C	C	C	C	B	B	B	B	*	*	*	*	*	*	*	*
LI	G	F	F	D	D	D	D	D	C	C	D	B	B	*	*	*	*	*	*
GM	H	H	H	H	H	H	G	G	G	C	D	B	B	*	*	*	*	*	*
HM	I	I	I	I	I	I	H	G	G	C	D	B	B	B	*	*	*	*	*
IC	G	F	F	D	D	D	D	D	C	C	D	B	B	*	*	*	*	*	*

() Bufferyard required when permitted nonresidential use locates adjacent to residential use or vacant land except park property and community gardens.
 * No bufferyard required.

¹ For mobilehome subdivisions, bufferyard requirements of the R-TH district shall apply.

² Bufferyard can be waived by Administrative Review Committee between uses in different districts where a joint access agreement is proposed. Required plantings must be provided on other areas of the affected property.